

HUMAN SERVICES BOARD

In re) Fair Hearing No. 20,373
)
Appeal of)

The petitioner appeals the decisions of the Department for Children and Families, Economic Services Division and Health Access Eligibility Unit (HEAU) respectively denying her applications for Food Stamps and Vermont Health Access Program (VHAP) benefits. The issue is whether the petitioner's income exceeds those programs' maximums.

1. The petitioner is a single person who in April 2006 was working part time and receiving workman's compensation benefits. On April 27, 2006 the petitioner submitted an application for Food Stamps, which the Department denied on May 9, 2006. She applied for VHAP on May 31, 2006. By this time, her employment had ended and her only income was workman's compensation. The Department denied this application on June 7, 2006.¹

¹ The petitioner was found eligible for the Healthy Vermonters program.

2. At the hearing (held on June 26, 2006) the petitioner did not dispute the Department's determination that her gross income at the time of her application for Food Stamps was \$1,296.62 a month from wages and workman's compensation, which is in excess of the Food Stamp maximum of \$1,037 for a single-person household. She also did not dispute the Department's determination that her countable income at the time of her application for VHAP was \$1,284.75 a month solely from workman's compensation, which is in excess of the VHAP maximum of \$1,232 for a single-person household.

3. At the hearing the petitioner was advised to immediately reapply for benefits if her income should fall below the above monthly program maximums for either or both programs.

ORDER

The Department's decision is affirmed.

REASONS

For Food Stamps, all applicants must meet a "gross income test" in order to be eligible. Food Stamp Manual § 273.9(a). The current gross income limit for single-person households is \$1,037 a month. Procedures Manual § 2590C. As

noted above, there is no dispute that the petitioner's gross income was in excess of this amount.

Under the VHAP regulations, all earned and unearned income, except a \$90 disregard, is included as countable income for eligibility. W.A.M. § 4001.81(b). There is no dispute that as of the date of her application the petitioner had countable income slightly in excess of the maximum for eligibility under the VHAP program for a single person, which is \$1,232. P-2420 B.

Thus, the Department's decisions finding the petitioner ineligible for Food Stamps, based on her April 2006 application, and VHAP, based on her May 2006 application, must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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